

The House Committee on Health and Human Services offers the following substitute to HB 429:

A BILL TO BE ENTITLED  
AN ACT

To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to require physicians and health care providers to test pregnant women for HIV unless she specifically declines; to provide a short title; to inform the pregnant woman of the test to be conducted; to provide for documentation; to provide for rules and regulations; to provide for an exemption from counseling requirements; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in Chapter 17, relating to control of venereal diseases, by inserting a new Code section to read as follows:

"31-17-4.2.

(a) This Code section shall be known and may be cited as the 'Georgia HIV Pregnancy Screening Act of 2007.'

(b) Every physician and health care provider who assumes responsibility for the prenatal care of pregnant women during gestation and at delivery shall be required to test pregnant women for HIV except in cases where the woman refuses the testing.

(c) If at the time of delivery there is no written evidence that an HIV test has been performed, the physician or other health care provider in attendance at the delivery shall order that a sample of the woman's blood be taken or a rapid oral test administered at the time of the delivery except in cases where the woman refuses the testing.

(d) The woman shall be informed of the test to be conducted and her right to refuse. A pregnant woman shall submit to an HIV test pursuant to this Code section unless she specifically declines. If the woman tests positive, counseling services provided by the Department of Human Resources shall be made available to her and she shall be referred to appropriate medical care providers for herself and her child.

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(e) If for any reason the pregnant woman is not tested for HIV, that fact shall be recorded in the patient's records, which, if based upon the refusal of the patient, shall relieve the physician or other health care provider of any other responsibility under this Code section.

(f) The Department of Human Resources shall be authorized to promulgate rules and regulations for the purpose of administering the requirements under this Code section."

## SECTION 2.

Said title is further amended by revising subsection (c) of Code Section 31-22-9.2, relating to report of positive results of an HIV test, as follows:

"(c) Unless exempted under this Code section, each health care provider who orders an HIV test for any person shall do so only after counseling the person to be tested. Unless exempted under this subsection, the person to be tested shall have the opportunity to refuse the test. The provisions of this subsection shall not be required if the person is required to submit to an HIV test pursuant to Code Section 15-11-66.1, 17-10-15, 31-17-4.2, 31-17A-3, 42-5-52.1, or 42-9-42.1. The provisions of this subsection shall not be required if the person is a minor or incompetent and the parent or guardian thereof permits the test after compliance with this subsection. The provisions of this subsection shall not be required if the person is unconscious, temporarily incompetent, or comatose and the next of kin permits the test after compliance with this subsection. The provisions of this subsection shall not apply to emergency or life-threatening situations. The provisions of this subsection shall not apply if the physician ordering the test is of the opinion that the person to be tested is in such a medical or emotional state that disclosure of the test would be injurious to the person's health. The provisions of this subsection shall only be required prior to drawing the body fluids required for the HIV test and shall not be required for each test performed upon that fluid sample."

## SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.